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FORUM

Governor's Commission on Domestic Violence

Commentary

Chronic and/or Serial Partner Predators Identified

by Andrew Klein

> *"Domestic and partner abuse is about the offender's conduct, not the victim's. All the victim safety plans and assistance programs in the world will not protect the victim if the abuser is allowed to continue to abuse."*

Not all male domestic batterers are alike. Among the large number of men who are found to abuse their female partners (by both criminal and civil courts in this state), a smaller number stand out. Their abuse of victims is not only repetitive, but seemingly immune to state intervention up to and including successive periods of incarceration. Their behavior does not take place anonymously behind locked doors, unknown to the outside world. They are known to the police and the courts. Their numbers include Michael Cartier, who murdered Kristin Lardner and Joseph Parsons, profiled in the Boston Globe several years ago. Many are already in jail or on probation. They often have restraining orders taken out against them. Some of them concentrate their abuse on one victim. Others, for whatever reason, deprived of one victim, quickly find new female victims to abuse. They go from victim to victim like a virulent flu virus.

These abusers are chronic and often serial partner predators.

Ongoing research conducted at the Quincy District Court and elsewhere is beginning to provide a fairly detailed empirical analysis of who these high risk abusers are. It reveals that they constitute a special subgroup of batterers that can be defined by their prior criminal history. It also suggests some countermeasures necessary to stop them.

The Quincy Court Study is being conducted as part of an ongoing National Institute of Justice research project by the University of Massachusetts-Lowell in conjunction with Court personnel. The Study is examining all men arrested between July 1995 and March 1996 for domestic abuse of female partners and arraigned in Quincy District Court (356). Most were arrested for some form of an assault (*see Chart A, p.3*). 91 were arrested for violating active restraining orders with or without an assault related charge. A handful were arrested for kidnapping, rape and other felonies.

While all of the men arrested in the study committed crimes of domestic violence and some may have committed similar acts in the past,[1] the records reveal that 100 of these had been adjudicated abusers by a Massachusetts Court in the past. The 100 had a prior restraining order issued against them. 70 had restraining orders issued against them by the same victim as the current victim. 47 had prior restraining orders issued against them by a different victim. 16 had prior restraining orders for both one or more different victims as well as the same and/or different victims. 32 of the 100 had multiple

1 Massachusetts criminal complaints are not coded as domestic nor do they code the gender of the victim of assault charges.

East Bridgewater Police Department - H.U.G.S. Program

by Janice Cunningham

H.U.G.S. (Help Us Get Safe) is a grass roots Domestic Violence victim assistance program that started in East Bridgewater in May of 1996. In an attempt to benefit the victims of Domestic Violence in a proactive manner, this officer was able to help develop a departmental policy that upon each and every "domestic" that an officer responded to, a D.V. packet was left with the victim. To further benefit such victims, this officer was transferred from a split shift, to working straight days. This allows me to be available to victims when the crisis is over and they need to speak with an officer. This officer is and has been available to be called in, if necessary, at any hour day or night, even to neighboring towns, for such victims. Working day shifts has also allowed me to attend round table meetings for the D.A.'s office, teach Dating Violence Intervention at the high school, as well as the Adult D.A.R.E. program and Citizen's Police Academy. This community outreach has resulted in educational awareness amongst citizens of what Domestic Violence is and that it does exist.

Bears sold as ornaments are given from H.U.G.S. Giving Tree.

Having dealt with D.V. for approximately 5 years, I found myself becoming frustrated by the "gap" that existed between initial response to a call, and the time that we were able to assist the victim in receiving services. I find that other departments are voicing the same complaint. It takes an average of 3-5 days to get a victim into a shelter, and in the meantime, have we revictimized our victim? I finally decided to organize the offers of help, made by community members, by calling a meeting of those interested in meeting such needs. I also attempted to "prioritize" those needs.

The first meeting, I wanted us to be able to name ourselves. I wanted a comforting name and hoped to keep it within the scope of what I had used the previous year for the Christmas on the Common parade float, from the D.V. unit. On the float, we used hugs and kisses (like the candy) as a symbol of giving "the gift of love". I opted not to use the word love - as so much pain has been inflicted in the name of love. Hugs sounded fine, because a hug can mean so many things. One of my victims came up with the words, "help us get safe". Everyone at the meeting loved it and we now had a name.

The original objectives that we set out to meet for our victims were safety, transportation, staples, and monetary donations. The group, made up of community members includes junior high and high school members, mothers, tradesmen, businessmen, bankers, and many other members of the community.

The safety issues we addressed were safe housing and personal safety plans. We wanted, and now have, a number of "safe havens" in which a victim and her children can stay for up to one week, or until we can help find her a shelter. These havens are homes within either this or a neighboring community. If a victim decides to go back to home, she is told that if she needs us again, we will be there for her. We also will help a victim develop a personal safety plan with the help of Brockton Family and Community, as advisors.

Transportation was the second issue that we addressed. We felt that our victim may need a ride to police stations, courts, shelters/safe havens, social service agencies, and hospitals. We are able to provide that service, and should a victim need a babysitter during that time frame, we can provide that also. We have a schedule of who can drive, when each person is available, and how far they are willing to drive.

Staples or basic needs was another issue that we addressed. We can now supply our victims with food, clothing and toiletries for them and their children. We realized that often if a victim leaves her home, she is literally running for her life, and therefore has no time to pack for herself or her kids. In response to this, we now have a section of the new town hall, full of clothing and personal care items from diapers to shampoo. When a victim needs something, she is able to come in and pick out what she needs. If her husband is arrested and she and her kids are left without food, clothing, money, etc. we can fill that need.

Money was what we felt would be a major obstacle, but after appealing to the general public, as well as businesses within the community, we have over $3000.00 in our account. We further have been able to supplement this by selling our bears (made and donated by the high school wood shop.) We are presently working on a fund raising cook book as well as a karate tournament, with the proceeds going to H.U.G.S.

One of our next ventures is to start a survivors group. We

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East Bridgewater

(*continued from p.3*)

already have "safe" locations for these meetings to be held, both throughout our own community, and in two neighboring communities.

At Christmas time, we wanted to be able to give all of our victims a "token" gift, as well as a new toy for each of her children. The idea snowballed! We had a giving tree in the town hall, and West Bridgewater High School Key Club had one at their school's lobby. The Kiwanis Club donated new clothing and trees for victims. An area shelter donated turkeys as did a local farm stand, as well as fresh fruits and veggies. A local grocery chain donated gift certificates. The local Youth Athletic Facility donated use of freezers for food, and club houses for storage of furniture.

Private citizens as well as the local AFL-CIO, and other businesses donated monies and gifts. Area churches made teddy bears, so that all of our victims' kids got a teddy bear with their gifts. A nursery school donated hats and mittens. It was absolutely incredible! The H.U.G.S. group spent an entire evening at a wrapping/Christmas party. The end result was three days of Santa Claus delivering bags full of new toys for each child, as well as clothing and gifts for Mom, and a turkey dinner for each family.

The H.U.G.S. group has grown from an original 10 members to approximately 50 members at this time. Neighboring towns have started to get involved and all are welcome. What originally started out selfishly to fill a "gap" or a feeling of inadequacy felt by myself, has evolved into something that could be easily duplicated and adapted to any community's needs. Hopefully what the future holds for H.U.G.S. is a network of H.U.G.S. type organizations throughout the state.

Officer Janice Cunningham is a specialist in domestic violence for the East Bridgewater Police Department and is the founder of the H.U.G.S. Program.

State Responds to Gay Domestic Violence

Article from the Gay Men's Domestic Violence Project Newsletter (G.M.D.V.P.)

In January 1997, The Governor's Office took an unprecedented step toward recognizing the reality and severity of gay and lesbian domestic violence. Curt Rogers, Executive Director of GMDVP, was appointed to the Governor's Commission on Domestic Violence as the first commission member to represent the small handful of organizations currently struggling to provide services for gay and lesbian victims.

The appointment holds great significance for the same-sex domestic violence community. According to Robb Johnson, victim advocate at Fenway Community Health Center, "It reflects an understanding by our state's leaders that domestic violence is occurring in all kinds of relationships regardless of sexual orientation or gender. Gay/lesbian/bisexual/transgender experiences challenge us all to move beyond gender stereotypes and to see domestic violence as an issue of power and control."

Strong Commitment

Last fall, the Massachusetts District Attorney's Statewide Conference on Domestic Violence also made a focused effort to include same-sex relationships by featuring Rogers as the keynote speaker. Sergeant Norman Hill, Boston Police Department's liaison to the gay community, notes that the District Attorney's Conference was important for the message it sent to prosecutors and police officers. "The fact that they gave the most prominent placement at a domestic violence conference to a gay male victim indicates a strong commitment to work toward equal protection for all victims no matter what their gender or sexual orientation."

Despite the recent gratifying attention from state officials, GMDVP remains outspoken about the lack of services for gay and lesbian victims.

Last summer, GMDVP attracted national media attention when it conducted a survey revealing one in three gay men have encountered domestic violence through either their own personal experiences or through the experience of a gay friend. The survey also found less than 1 percent of gay men list the police as a resource for a gay male victim in crisis, and an overwhelming 93 percent of gay men are unaware that the laws in Massachusetts regarding domestic violence are written to apply to gay male relationships as well as heterosexual couples.

MASSACHUSETTS STATE POLICE DOMESTIC VIOLENCE TRAINING

STRATEGIES TO TARGET ABUSE REDUCTION

The Massachusetts State Police has been awarded a Community Policing to Combat Domestic Violence grant from the US Department of Justice. This grant will enable the Massachusetts State Police, in partnership with the Boston Area Rape Crisis Center and New Hope Inc. Battered Women's Program, to train Police officers, Police supervisors, Health Care Providers, and Victim Advocates. Each training offered through this program, Strategies to Target Abuse Reduction (S.T.A.R.), will be conducted in four regions of the state.

Law Enforcement

The police officers' training will be a five day specialized training on family abuse, focusing on the dynamics and scope of these cases and enhancing investigative skills. The supervisors' course will be two days, with the focus on the supervision of domestic violence and sexual assault cases and/or units. There are limited overtime reimbursements available to Law Enforcement Personnel to supplement an officer that is away for training. Reimbursements will be awarded based on the order in which registrations are received for each training session.

Health Care Advocacy

The training for health care providers will be a one day session, centering on identifying victims of domestic violence and sexual assault in a clinical setting. Advocate training will be a one day session, focusing on legal issues, and identifying resources for victims and their families. (C.E.U. credits and certification pending.)

S.T.A.R. TRAINING DATES

LOCATION	DATES & GROUPS		REGISTRATION DEADLINE
Massachusetts Maritime 101 Academy Drive Buzzards Bay, MA 02532 (508) 830-5000	**May 3:**	Advocates	Tuesday April 15
	May 5-9:	L.E. Investigators	Tuesday April 15
	May 12:	Health Care	Tuesday April 15
	May 14-15:	L.E. Supervisors	Tuesday April 15
Sheraton Springfield 1 Monarch Place Springfield, MA 01144 (413) 781-1010	**June 3&4:**	L.E. Supervisors	Friday May 2
	June 5:	Health Care	Friday May 2
	June 7:	Advocates	Friday May 2
	June 23-37:	L.E. Investigators	Friday May 23
Ramada Rolling Green 311 Lowell Street Andover, MA 01810 (508) 475-5400	**September 8-12:**	L.E. Investigators	Friday August 8
	September 18:	Health Care	Friday August 15
	September 23 & 24:	L.E. Supervisors	Friday August 22
	September 27:	Advocates	Friday August 22
Westborough Marriott 5400 Computer Drive Westborough, MA 01581 (508) 366-5511	**October 25:**	Advocates	Friday September 19
	October 30:	Health Care	Friday September 26
	November 3-7:	L.E. Investigators	Friday October 3
	November 12&13:	L.E. Supervisors	Friday October 10

For Further Information, Please Contact:

Massachusetts State Police Abuse Prevention Unit
1400 Soldiers Field Road Brighton, MA 02135
(617) 783-8146

Commentary *(continued from p.2)*

1995. Joseph had six different orders entered against him by six different young women between 1992 and 1996. Although he had never been charged with violating a restraining order, he simply went on to abuse another victim. The abuse took the form of beatings, threats to murder, threats to commit suicide if she left him, stalking and so on. During this period of time, the criminal courts sentenced him to jail on three separate occasions for his abuse. Nonetheless, his pattern of abuse continued unabated upon release. He is currently in jail again for two and a half years, the maximum time for assaults under Massachusetts law. ***Typical of serial partner predators, this young man has also committed numerous other crimes, involving crimes for drugs, public disorder and violence.***

The chronic and/or serial abusers are basically criminal predators. The paramount question is how do we protect their victims? One way, perhaps the surest, is to insure that these ticking time bombs spend the time in prison their behavior warrants. Unfortunately, Massachusetts criminal code provides for only short term incarceration for the type of misdemeanor assaults these men commit or for which they are prosecuted. As elsewhere, Massachusetts has no mechanism to escalate the severity of punishment consistent with the repetition of the offending behavior. Even California's "three strikes and you're out" law, which provides for life imprisonment for a third nonviolent felony, does not apply to any number of domestic beatings. Nor do current habitual offender statutes apply here or elsewhere. In a precedent making case, the US Supreme court upheld life imprisonment in Texas for a drunk who cashed three bad checks. But these statutes do not apply the same habitual offender statute to chronic or serial abusers, because the majority of the offenses of which they are convicted are misdemeanors.

There may be a way, however, to at least alert new victims to beware of the serial partner predator. One answer could be the establishment of public registers of serial partner abusers similar to what every state now requires for convicted sex offenders. Both types of offenders go from victim to victim unless stopped. Society has a right to be alerted of these predators' presence in the community. Women have a right to be warned that the man who is promising them eternal love has a prior history of providing violence and terror instead. Lane County, Oregon Probation has a standard condition for batterers on probation. It is called the "Intimate Partner Disclosure" form. It requires the probationer to inform all new partners of his status as an abuser. The probation officer checks with new partners to insure that they have been warned in compliance with this court mandate.

Studies indicate that approximately half of these persons being supervised for domestic abuse in Massachusetts no longer live with the victim they originally abused. Without disclosure, a new partner is solely reliant on the offender himself to disclose his past abuse history. Absent this disclosure, many victims will blame themselves. This is reinforced by abusers who tell them it is their fault they are beaten. The existence of these chronic and/or serial partner predators makes one thing absolutely clear. Domestic and partner abuse is about the offender's conduct, not the victim's. All the victim safety plans and assistance programs in the world will not protect the victim if the abuser is allowed to continue to abuse.

Andrew Klein is Chief Probation Officer for the Quincy, Massachusetts District Court. He has published articles on domestic violence both in Massachusetts and nationally, and is a columnist for the National Bulletin on Domestic Violence.

2. See, e.g. Klein, A. (1996) *Reabuse in a Population of Court Reinstated Male Batterers*. In Buzawa, E. & Buzawa, C. (eds), Do Arrest And Restraining Orders Work? Newbury Park, CA: Sage Publications.

3. See, e.g., Ptacek, J. (1995). Disorder in the Courts: Judicial Demeanor and Women's Experience Seeking Restraining Orders, Doctoral Dissertation, Brandeis University, Waltham, MA.

Attorney General Scott Harshbarger is authorized by the Massachusetts Civil Rights Act (MCRA) to seek civil rights injunctions against individuals who violate the fundamental rights and freedoms of others on the basis of their gender. Attorney General Harshbarger encourages prosecutors, police officers and other law enforcement officers to refer to Richard Cole, the Chief of his Civil Rights Division, any such matters involving domestic violence offenders engaged in patterns of threats, intimidation or coercion against a number of different victims on the basis of their gender.

CHART A

Crimes	Number
Assault and Battery (A & B)	199
A & B with a Dangerous Weapon	54
Assault with a Dangerous Weapon	11

CHART B

	Prior History Abusers	Peers
Property Crimes	5.5	3.52
Drug/alcohol Crimes	2.9	1.88
Public Order Crimes	1.3	69
Sex Crimes	20	12
Major Motor Vehicle Crimes (excluding Drunk Driving)	3.5	2.3
Total Crimes	18.3	10.93
Prior Jailing	1.7	.74

MASSACHUSETTS BATTERED WOMEN'S SHELTERS AND RESOURCE PROGRAMS

Alternative House
PO Box 2096
Highland Station
Lowell, MA 01851

Casa Myrne Vasquez
PO Box 18019
Boston, MA 02118

FINEX House
PO Box 1154
Jamaica Plain, MA 02130

Necessities/ Necesidades
16 Armory Street
Northampton, MA 01060

New Hope, Inc.
PO Box 4100
140 Park St.
Attleboro, MA 02703

Respond Inc.
PO Box 555
Somerville, MA 02143

Women's Service Center
146 First Street
Pittsfield, MA 01201

Womansplace Crisis Center
PO Box 4206
Brockton, MA 02403

Women's Resource Center
PO Box 2503
Fitchburg, MA 01420

YWCA Arch Program
PO Box 80632
Springfield, MA 01138

HAWC
27 Congress Street
Salem, MA 01970

Caucus of Women Legislators
Executive Director
State House, Room 156
Boston, MA 02133

YWCA Daybreak Resources for Women & Children
PO Box 3093
Worcester, MA 01613-3093

New Bedford Women's Center
Battered Women's Project
252 County Street
New Bedford, MA 02740

Our Sister's Place
PO Box 4236
Fall River, MA 02723

Services Against Family Violence
Box 164
Malden, MA 02148

Transition House
PO Box 530
Harvard Square Station
Cambridge, MA 02138

Women's Crisis Center of Newburyport
9 Prince Place
Newburyport, MA 01950

Support Committee for Battered Women
PO Box 24
Waltham, MA 02254

DOVE
Box 287
Quincy, MA 02269

MA Coalition of Battered Women Service Groups
14 Beacon Street #507
Boston, MA 02108

Elizabeth Stone House
PO Box 15
Jamaica Plain, MA 02130

Harbor Me, Inc.
PO Box 191
Chelsea, MA 02150

New England Learning Center for Women
10 Park Street
Greenfield, MA 01301

Renewal House
PO Box 919,
Roxbury Crossing
Roxbury, MA 02120

South Shore Women's Center
225 Water St.
#412
Plymouth, MA 02360

Womanshelter Companeras
PO Box 6099
Holyoke, MA 01041

Women's Resource Center
454 North Canal Street
Lawrence, MA 01842

Women's Support Services
PO Box 369
Vineyard Haven, MA 02568

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FORUM is a periodical of the Executive Office of Public Safety, Programs Division, published in collaboration with the Governor's Commission on Domestic Violence.

Its purpose is to provide a forum for discussion and serve as a clearinghouse for information on the issues addressing the declared public emergency of domestic violence. We welcome your comments and story contributions to *FORUM*.

The views and opinions expressed in FORUM are those of the individual authors and do not necessarily reflect the views of the Commission.

V.A.W.A. AWARDS

S.T.O.P.
VIOLENCE AGAINST WOMEN ACT
GRANT PROGRAMS

In a ceremony at the State House on April 23, 1997, Lt. Governor Argeo Paul Cellucci and Secretary of Public Safety Kathleen M. O'Toole awarded S.T.O.P./V.A.W.A. grants to Massachusetts police departments, district attorneys, state agencies, hospitals and non-profit victims agencies. The well-attended ceremony also featured a production of the "Yellow Dress," a teen dating violence program sponsored by Deana's Fund of Waltham, Massachusetts.

For more information on the S.T.O.P./V.A.W.A. programs contact V.A.W.A. Program Director Rai Kowal at (617) 727-6300 x305, Executive Office of Public Safety Programs Division.

FORUM
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FORUM

Governor's Commission on Domestic Violence

Commentary

"Zero Tolerance" For Domestic Violence- A Word From The Governor

by Argeo Paul Cellucci

In 1992, Gov. William Weld and I declared a state of emergency regarding domestic violence. Since that time, Massachusetts has made tremendous progress in addressing the needs of those impacted by abuse. It remains a top priority of mine to see that this progress continues. This is why I intend to remain as Chair of the Governor's Advisory Commission on Domestic Violence, a role I have played since its inception. It is a role I will not relinquish despite increased demands on my time. It is this important to me that we not lose momentum. We must make it perfectly clear to victims, their children, and abusers that **domestic violence is a terrible crime and will not be tolerated in the Commonwealth of Massachusetts.**

The Commission is designed to bring together a wide range of service providers. State agencies, private non-profit, and other public and private entities are represented. It is a mechanism for sharing ideas and developing coordinated strategies. It has been a remarkable group, generating ground-breaking policies, reports, and legislative proposals, and I am proud to be a part of it.

As I listened to battered women from around the state, I am continuously reminded of the devastating effects of domestic violence. Their stories also reinforce how complicated it is to search for solutions. When the Commission was originally formed, I believed that we needed better laws and tougher enforcement. That certainly was the case and we have strengthened both. Now, I understand that developing a truly effective response to domestic violence is far more complicated than stricter laws. The work of the Commission continues to reflect the changing needs of those who are targets of abuse.

Clearly, law enforcement is still a significant part of the work. We must, as a community, commit to holding abusers accountable for their acts of violence. The criminal justice system plays a major role. Kathleen M. O'Toole, Secretary of Public Safety, has worked very closely with members of the Commission. As a result, significant progress is being made in

the realm of public safety.

The Uniform Enforcement Subcommittee of the Commission assisted Public Safety in updating the Statewide Guidelines for the Law Enforcement Response to Domestic Violence. Police chiefs throughout the Commonwealth will receive these updates within the month. We are confident that these guidelines respond to the kinds of concerns that have been raised by police officers. They are designed to ensure an appropriate response to calls for assistance in domestic violence cases.

> *"All of this is part of establishing a zero tolerance environment for batterers, while fostering a climate in which victims can feel safer in reporting."*

Massachusetts leadership in information technologies continues to be an asset as we strive to hold batterers accountable. We were the first state in the nation to establish a statewide computerized registry of restraining orders. This tool has been very valuable to the police, courts, and most importantly, the victims of abuse. We are preparing to go one step further with the use of computers to track these violent and repeat offenders. The Executive Office of Public Safety has announced a pilot project for standardized police reports on domestic violence incidents. These forms are part of a project designed to establish a database on incident reports. It will greatly enhance the ability of police departments to share information. This is particularly helpful because batterers do not stay in one place. They track and harass and violate their victims throughout the Commonwealth. This database means that police officers will have immediate access to other departments' records of contact with a particular suspect.

All of this is part of establishing a **zero tolerance** environment for batterers, while fostering a climate in which victims can feel safer in reporting. As Governor, I have taken steps to advance these two goals for those victims and abusers who are employed by the Executive Branch. Through an executive order, I established increased options for victims and strict discipline for batterers. Victims may now request a geographical transfer, take up to fifteen paid days off each year in order to attend court or other appointments resulting from domestic violence, and be granted leave for up to six months in order to escape ongoing abuse. Our Human Resources Division has done an exemplary job in developing a policy which provides victims of abuse the kind of flexibility that is often necessary in order to flee domestic violence. Work should be a place where victims can receive some relief from the tyranny of abuse. As an employer, I am eager to do whatever I can to facilitate that. Quite a few private and public sector employers have established similar guidelines, and I encourage others to do the same.

Enhancing a victim's financial stability is clearly one way to assist someone who tries to leave a batterer. This is why it is so important that we do whatever we can to encourage a victim to become economically self-sufficient. The McCormack Institute recently conducted a study for us which revealed that approximately two thirds of the women who receive public assistance in Massachusetts have experienced domestic violence. We also learned that approximately 20% of these women have been abused within the previous year. It is imperative that our "welfare to work" programs accommodate the complex needs of these women. Otherwise, their financial independence may be in jeopardy.

The Commission has produced a report, "Safely Toward Self-Sufficiency: The Battered Woman's Path Through Welfare Reform." This paper provides us with a series of concrete recommendations designed to empower victims of abuse and assist them on their way to economic self-sufficiency.

These are just a few examples of the type of work that can be generated by bringing a diverse group together to share ideas. The value of this Commission is derived directly from the experiences and energy brought by each of the members. It has been a privilege to Chair this Commission and I am eager to see what its future will bring.

Argeo Paul Cellucci is the Governor of the Commonwealth of Massachusetts and Chair of the Governor's Commission on Domestic Violence.

In a ceremony at the State House on October 2, 1997, Governor Argeo Paul Cellucci and Secretary of Public Safety Kathleen M. O'Toole declared October to be Domestic Violence Awareness Month.

The month of October was designated to be a time to increase awareness of the domestic violence epidemic that exists in Massachusetts, as well as to highlight the need of support services for victims.

The Sentencing Protocol: A Method To Improve Sentencing and Strengthen Probation

by Honorable Peter W. Agnes, Jr.

Introduction. Several years ago, I was conducting a hearing in a case involving a charge of assault and battery in which a husband was the defendant and his wife the victim. The couple had been married for twelve years. The case was before me for an admission to sufficient facts. The defendant was asking the court for a continuance without a finding for one year and probation. This means that after one year of probation the charge would be dismissed if there were no further problems. The defendant had a prior criminal record involving a drunk driving charge 2 years earlier. The prosecutor recommended a guilty finding and a six month suspended sentence with probation for one year including treatment in the form of attendance at a certified batterer's program.

The police had been called to the couple's home in January by a neighbor who heard yelling and screaming. The police arrived moments later and upon entering the home found the couple in the living room. The victim was crying and had red marks on her arms where it appeared she had been grabbed and a red welt on her cheek. The defendant, who appeared to be intoxicated, was nearby. There were two young children upstairs also crying. The victim reported that the defendant had recently lost his job and had started drinking, and that during an argument he grabbed her arm, slapped her face, and broke some of the furniture. The police arrested the defendant. He was held overnight and released on personal recognizance the next day. The victim obtained a restraining order that night through the court's emergency response system. She did not seek to extend it the next day.

The traditional approach to sentencing. This case came before me for sentencing on the day of trial in September after the parties had made four earlier appearances in court. The defendant and the victim had resumed living together and it was reported that there were no further incidents. It was reported that the victim did not want her husband prosecuted. After I heard the above facts, the lawyers made their recommendations and sat down. The first thought I had was that I was about to make a decision that could significantly affect the future of this family-- the defendant, the victim and their children- but that I knew far less about the case and this family than the lawyers, the police and perhaps others. I also realized that once sentence was pronounced in a case such as this, the defendant, the victim, the police and the lawyers would leave the court, conditions of probation would be signed by the defendant in another room in the presence of a probation officer who probably was not even present for sentencing, and the sentencing judge would have no further contact with the defendant or the case. What would happen to this family? How would the defendant respond to probation?

The process of sentencing described above is typical in the district court. There is neither time nor the resources for a pre-sentence investigation by the probation department. Yet, the process has certain obvious shortcomings. The sentencing judge should be better informed about the circumstances and backgrounds of the defendant, the victim, and the children. Even though the defendant's criminal history is available, the question remains whether this was the only violent episode in this family. Also, how did the defendant behave while on probation 2 years ago? How are the children reacting to this incident? What if the police are called to this household on a regular basis? The sentencing process should be designed to allow for greater participation by the victim and others interested in the outcome. And, the court should have the option to participate directly in monitoring the progress, or lack thereof, of the defendant when he or she is returned to the community and placed on probation.

Honorable Peter W. Agnes, Jr.

A new approach--the Sentencing Protocol. With assistance from the Domestic Violence Roundtable established by Suffolk County District Attorney Ralph Martin and Deputy Probation Commissioner Ron Corbett, we have developed a four part Sentencing Protocol for use in every case involving "abuse" as defined by M.G. L. chapter 209A, section 1 in which the defendant seeks a sentence of probation. Part one of this Protocol requires the defendant to complete and file with the court a written Application for Probation. The defendant must answer ten questions and describe his or her employment history, any problems with alcohol and drugs, identify medications being taken and any medical or psychiatric history, whether there is a child support

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(Continued from p.3)

obligation, whether the problems that gave rise to the criminal charges are due more to the conduct of others than to the defendant's own conduct and why the defendant is a good candidate for probation. The answers to these questions enable the probation department to gather useful data by making telephone calls on the day of sentencing to employers and treatment providers among others. With regard to child support, we are working with the Department of Revenue to develop a method to cross check information provided to the probation department with information available to child support authorities.

The second part of the Protocol gives the victim an opportunity to submit a supplemental, written, victim impact statement and to provide the court with more detailed information about her relationship with the defendant, if any, and her security needs and concerns. The third part of the Protocol involves the use of a new form for the terms and conditions of probation which consists of a detailed, six page contract that enables the court to be specific and precise about probation conditions such as participation in treatment programs and alcohol and drug testing, and which calls for a review of and an incorporation by reference of the terms of any restraining orders into the probation contract. The fourth part of the Protocol is the most important. Part four requires the defendant, the victim, the lawyers, and police and any other interested parties to appear in court for the signing or execution of the probation contract before the probation department and the judge. After the contract terms are carefully reviewed, everyone gets a copy of the contract. This means that the victim and the police are now involved in the supervision of the defendant in a far more meaningful way than at present in most cases.

In appropriate cases, the defendant is required to return to court in 30, 60 or 90 days for a special hearing before the court in which the probation officer, victim, the prosecutor and the police may participate. If there are any reports of problems at this review, appropriate steps may be taken to modify the terms and conditions of probation or to initiate probation violation proceedings which could result in the immediate incarceration of the defendant. On the other hand, in cases in which the defendant is in compliance with probation, the review is an opportunity to offer encouragement and to provide reinforcement.

Conclusion. Under the leadership of Chief Justice Sam Zoll, the District Court Department has developed a new set of model rules governing the court's role in the hearings that are conducted to determine whether a defendant is in violation of probation. The Sentencing Protocol described above serves to make the process of sentencing criminal defendants more rational, adds dignity and structure to the sentencing event, and will complement Chief Justice Zoll's efforts to strengthen probation and make it a more effective deterrent in cases in which a sentence of incarceration is not indicated. A copy of the Sentencing Protocol is available upon request to Mary Jo Kilmain @ (617) 494-1342.

Judge Peter Agnes is the Presiding Justice of the Charlestown District Court.

Jean C. Haertl, New Executive Director of the Governor's Commission on Domestic Violence

Governor Paul Cellucci has appointed Jean C. Haertl as Executive Director of the Governor's Commission on Domestic Violence. "Jean's leadership and nearly ten years of experience in the field of family violence will be invaluable to the Commission," Governor Cellucci said, upon announcing the appointment. "She has been a guiding force for many victims and has been instrumental in revamping antiquated domestic violence policies. I am honored to have her join our team."

Haertl leaves her position as Executive Director of the Support Committee for Battered Women, Inc. in Waltham which provides support groups, legal advocacy, outreach and education for victims of domestic violence and their children. As a result of her outstanding administrative and fiscal leadership of the program since 1995, Haertl was elected a board member of the Massachusetts Coalition of Battered Women Service Groups.

As the Executive Director of the Governor's Commission on Domestic Violence, Haertl will act as liaison to Commission members and the community, coordinate Commission subcommittees, advance new domestic violence initiatives through the Legislature, and educate individuals affected by new policies.

She will succeed Marie Kenney, who has been the Executive Director since July, 1996. Marie will be returning to her position on the Massachusetts State Police. Good luck to Marie and thank you for all the hard work!

Public-Private Sector Partnership Expands Hopeline Service

On October 2, 1997, at a ceremony highlighting October as Domestic Violence Awareness Month, Governor Argeo Paul Cellucci announced a public-private sector partnership that will provide women in domestic violence shelters across the Commonwealth with free voice mail service. In a show of corporate responsibility, Bell Atlantic Mobile will expand Hopeline, a confidential voice mail system, to every domestic violence shelter and transition home across the state. By providing this service, Bell Atlantic Mobile became the first private employer to accept Governor Cellucci's challenge to employers to adopt outreach programs and zero tolerance personnel policies. In addition to the Hopeline project, Bell Atlantic Mobile recently established a zero-tolerance policy for their employees modeled after the state's domestic violence zero-tolerance policy as stated in Executive Order No. 398.

Governor Cellucci is joined by Secretary of Public Safety Kathleen M. O'Toole and others at the launching of Domestic Violence Awareness Month

"Bell Atlantic is absolutely committed to ending domestic violence in this state," said Bell Atlantic Northeast Regional President Jack Plating. "As a communications company, donating Hopeline to shelters throughout the state is our way of providing open lines of communications for women seeking to escape violence. As a corporate citizen, we want to send the message that we will not tolerate any form of domestic abuse in the workplace. We invite other companies to join us in this effort to make every Massachusetts home a safe one."

Governor Cellucci praised the efforts of Bell Atlantic Mobile, and other private sector companies that have come forward in their support to end domestic violence. "Companies like Bell Atlantic Mobile and S.R. Weiner Associates (a company providing outreach to abused women by placing domestic violence literature in shopping mall restrooms) are reaching out to the community and hopefully will inspire others to follow suit. I commend them for their outstanding efforts and look forward to working with them on this issue."

Secretary of Public Safety Brings Massachusetts Domestic Violence Model to Northern Ireland

Secretary of Public Safety Kathleen M. O'Toole recently led a delegation of Massachusetts officials to Northern Ireland to advise judges, senior law enforcement officials, probation officers and others, on how to combat the growing problem of domestic violence.

Included in the delegation were Tom Frane, Chief of the Quincy Police Department, and Rai Cunningham, Director of the Violence Against Women Act Grant Program for the Commonwealth of Massachusetts. While in Northern Ireland, the delegation participated in an exchange of ideas with law enforcement and probation officials on how best to stem the rising tide of domestic violence. Based on the success of the Governor's Commission on Domestic Violence, Secretary O'Toole advocated for a coordinated approach involving police, prosecutors, probation and victims' advocates. Chief Frane discussed the successful Quincy District Court program, which has grown to become a national model, due in no small part to the fact that the City of Quincy has not experienced a domestic killing of a court-involved woman since 1987.

This international exchange of ideas was organized by Heather Stevens, a former intern at the Massachusetts Executive Office of Public Safety. Now a lawyer at the Office of Law Reform in Northern Ireland, Stevens and Executive Director Judena Goldring are seeking to improve the way domestic violence is viewed in their country. For a variety of reasons, domestic violence has never received the amount of attention from law enforcement that it has now begun to receive in the United States. This, despite the fact that, per capita, Northern Ireland has more reported assaults on women than any other part of the United Kingdom or the Republic of Ireland. Over the last five years, 21 women were killed by their partners. Furthermore, domestic violence accounts for about half of the murders of Northern Irish women, and is second only to the political conflict as the leading cause of homicides there. Stevens and Goldring extended the invitation to Secretary O'Toole as a way to introduce their Northern Irish colleagues to the domestic violence model that they found so innovative in Massachusetts.

Rohypnol Community Awareness Campaign

by Sally A. Syrjala

A characteristic of Independence House's service is that its personnel always try to be responsive to the needs of those who seek out their services. Staff at the Cape Cod rape crisis center managed by Independence House are also aware that statistics indicate that a small percentage of those who have experienced incidents of sexual assault actually report the crime. Therefore, when two women said to counselors that they had been sexually assaulted after having been given the date rape drug, Rohypnol, it was obvious that a problem of far greater magnitude existed in the community and that its citizens needed to be educated as to the danger within its borders.

Research was done on date rape drugs to form a base of information in the community. This resulted in Independence House giving out interviews to newspapers and radio and television stations to inform as many people as possible. Posters were printed and distributed in conjunction with Cape Cod Hospital and Barnstable County Human Services.

The initial dissemination of posters was made to establishments who had liquor licenses in the various towns. Listings of these restaurants, bars, clubs, and package stores were obtained from the towns who issued them. The Visiting Nurse Association was asked to help distribute the posters in the Falmouth area. Independence House staff and volunteers were invited to help in contacting package stores and businesses serving alcoholic beverages. Barnstable County Human Services was asked to display the posters in County offices. Libraries and town halls were other locations that were urged to display the information.

Hoffman-LaRoche, the manufacturer of the prescription drug, Rohypnol, helped in all of these avenues. It also made available to clients of Independence House a testing service so that a urine analysis could be performed that would indicate if traces of the drug were present.

Exploration of the topic revealed that Rohypnol is manufactured in Europe, Asia Pacific and Latin America by Hoffman-LaRoche for use as a preanesthetic to be used before surgery or other medical procedures. Hoffman-LaRoche states that it has never sought approval for the drug in the United States and that it is not marketed here.

Rohypnol can be used as a sedative. The effects are stated to begin within 20 to 30 minutes of dosage. The strongest effects are felt within one to two hours. A 2 mg. dose will produce an effect that lasts about six to eight hours.

Date rape drugs can be put into <u>any</u> drink. This means soft drinks, coffee, tea, orange juice, even water. Rohypnol is a colorless and odorless medication. It can cause blackouts and short-term memory loss so that the survivor does not know what happened. While an overdose from Rohypnol alone is not considered to be life threatening, abuse can be lethal when mixed with alcohol, narcotics, or other central nervous depressants.

Symptoms of Rohypnol use include drowsiness and impaired motor skills. Impaired judgment, disinhibition, dizziness, confusion and amnesia can also be present. Overdose management procedures publicized by Hoffman-LaRoche include transportation to a medical facility and positioning of the individual to prevent aspiration.

Precautions to reduce the risk of exposure to date rape drugs and resulting possible sexual assault include:

- Not leaving beverages unattended.
- Not taking any beverages from anyone you do not know well and trust.
- Accepting drinks only from a bartender, waiter or waitress at a bar or club.
- Not accepting open container drinks from anyone at private parties.

Rape crisis centers can obtain testing materials for their clients by calling Hoffman-LaRoche at 1-800-608-6540.

MASSACHUSETTS BATTERED WOMEN'S RESOURCES

A Safe Place
PO Box 3231
Nantucket, MA
02584-3231

Asian Shelter & Advocacy Project
PO Box 120108
Boston, MA 02112

Alternative House
PO Box 2096
Highland Station
Lowell, MA 01851

Battered Women's Resources
PO Box 2503
Fitchburg, MA 01420

Brockton Family & Comm. Resource Ctr
180 Belmont St.
Brockton, MA 02401

Casa Myrna Vasquez
PO Box 18019
Boston, MA 02118

Caucus of Women Legislators
Executive Director
State House, Room 156
Boston, MA 02133

DOVE
Box 287
Quincy, MA 02269

Elizabeth Stone House
PO Box 59
Jamaica Plain, MA 02130

FINEX House
PO Box 1154
Jamaica Plain, MA 02130

Harbor Me, Inc.
PO Box 505634
Chelsea, MA 02150

HAWC
27 Congress Street
Salem, MA 01970

Independence House
160 Bassett Lane
Hyannis, MA 02601

MA Coalition of Battered Women Service Groups
14 Beacon Street #507
Boston, MA 02108

Necessities/ Necesidades
16 Armory Street
Northampton, MA 01060

New Bedford Women's Ctr
Battered Women's Project
252 County Street
New Bedford, MA 02740

New England Learning Ctr for Women
10 Park Street
Greenfield, MA 01301

New Hope, Inc.
PO Box 4100
140 Park St.
Attleboro, MA 02703

Respond Inc.
PO Box 555
Somerville, MA 02143

Women's Services of Mass
146 First Street
Pittsfield, MA 01201

Womansplace Crisis Ctr
PO Box 4206
Brockton, MA 02403

Women's Resource Ctr
PO Box 2503
Fitchburg, MA 01420

YWCA Arch Program
PO Box 80632
Springfield, MA 01138

YWCA/Daybreak Resources for Women & Children
PO Box 3093
Worcester, MA 01613

Our Sister's Place
PO Box 4236
Fall River, MA 02723

Services Against Family Violence
Box 164
Malden, MA 02148

Transition House
PO Box 530
Harvard Square Station
Cambridge, MA 02138

Women's Crisis Ctr of Newburyport
9 Prince Place
Newburyport, MA 01950

Support Comm. for Battered Women
PO Box 24
Waltham, MA 02254

Renewal House
PO Box 919
Roxbury Crossing
Roxbury, MA 02120

South Shore Women's Center
225 Water St. #412
Plymouth, MA 02360

Womanshelter Companeras
PO Box 6099
Holyoke, MA 04101

Women's Resource Ctr
454 North Canal Street
Lawrence, MA 01842

Women's Support Services
PO Box 369
Vineyard Haven, MA
02568

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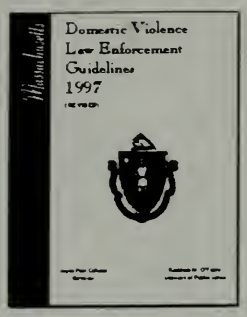
Its purpose is to provide a forum for discussion and serve as a clearinghouse for information on the issues addressing the declared public emergency of domestic violence. We welcome your comments and story contributions to *FORUM.*

The views and opinions expressed in FORUM are those of the individual authors and do not necessarily reflect the views of the Commission.

Fall Update

1997 Domestic Violence Law Enforcement Guidelines Released



On Thursday, October 2, 1997, Governor Argeo Paul Cellucci held a press conference at the State House to announce the issuance of the **1997 Massachusetts Domestic Violence Law Enforcement Guidelines (Revised)**.

The Guidelines were distributed to the 351 police departments in Massachusetts.

Copies are available via the Internet, at
http://www.state.ma.us/dvguide.htm

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